

# **IMPLEMENTATION TEAM MEETING NOTES**

**July 24, 2003, 1:00 p.m.-4 p.m.**

**NOAA FISHERIES OFFICES  
PORTLAND, OREGON**

## ***I. Greetings, Introductions and Review of the Agenda.***

The July 24, 2003 meeting of the Implementation Team, held at the NOAA Fisheries office in Portland, Oregon, was chaired by John Palensky of NOAA Fisheries and facilitated by Donna Silverberg. The meeting agenda and a list of attendees are attached as Enclosures A and B.

The following is a distillation (not a verbatim transcript) of items discussed at the meeting, together with actions taken on those items. Please note that some enclosures referenced in the body of the text may be too lengthy to attach; all enclosures referenced are available upon request from NOAA Fisheries' Kathy Ceballos at 503/230-5420 or via email at [kathy.ceballos@noaa.gov](mailto:kathy.ceballos@noaa.gov).

Silverberg welcomed everyone to the meeting, led a round of introductions and a review of the agenda.

## ***2. Resolution of Libby/Hungry Horse Summer Operations Issue Elevated from TMT.***

This meeting was convened with the goal of reaching IT resolution on an issue elevated from the Technical Management Team, Silverberg explained; that issue is whether or not SOR 2003 MT-1 should be implemented. This SOR, which proposes an alternative summer operation for the Libby and Hungry Horse projects, has been discussed several times at TMT; at the July 16 meeting of that group, various TMT members had an opportunity to state their positions on this issue.

Jim Litchfield thanked everyone for participating in today's meeting, and for allowing him some extra time to discuss this issue with others in the region. The issue at hand is whether

or not to implement the SOR in its entirety, said Litchfield; he went briefly through the main points of the SOR, which include 10-foot, rather than 20-foot, drafts of Libby and Hungry Horse by September 30, rather than August 31, as well as reductions in the Lower Columbia spill program designed to offset the power and revenue impacts of the reduced draft of these projects on Bonneville.

Litchfield noted that these recommendations are consistent with the recommendations in the Council's 2003 mainstem amendments. The net effect on flow is forecast to be a 4.7 Kcfs reduction in the summer seasonal average flow at McNary, Litchfield added. The goal of the SOR is to improve reservoir recreation and resident fish habitat in Montana without significantly impacting river conditions for anadromous salmonids downstream, he explained. Litchfield requested that NOAA Fisheries use the flexibility included in the 2000 BiOp to allow the implementation of Montana's requested Libby and Hungry Horse operations this summer.

In response to a question from Steve Pettit, Suzanne Cooper said Bonneville has not formally declared a power reliability or financial emergency in 2003, as they did in 2001. Litchfield said the spill reductions included in the SOR were intended to address the general crisis in the Northwest economy. Joe McGrath of Snohomish PUD noted that the recent rate increases have taken a significant toll on businesses and private customers in Snohomish PUD's service area.

However, this SOR is not a financial bailout for the region, observed Palensky – it is intended to be revenue-neutral for Bonneville. That's correct, Litchfield replied – the intent is simply not to make Bonneville's financial situation worse.

Cooper said Bonneville has analyzed the financial impacts of SOR 2003 MT-1 on BPA in FY'03; if implemented as written, she said, the SOR would essentially be revenue-neutral – it would cost Bonneville less than \$500,000. The difference between a 10-foot draft and a 20-foot draft would cost Bonneville between \$30 million and \$40 million in lost power revenues in FY'03, based on current price forecast information, but that would essentially be offset by the proposed reductions in the lower river spill program.

Palensky noted that, in previous years, BPA has been able to work out a Libby/Arrow swap with Canada to reduce the depth of the Libby draft. What's the possibility of that happening this year? he asked. The treaty operating committee met last week, and the Canadians told us no on the 2003 Libby/Arrow swap, because of the condition of the Canadian reservoirs, as well as the political situation in Canada, Cooper replied. Cindy Henriksen said she had reconfirmed that decision with the Canadians only this morning. Arrow Lakes, a very popular recreation site, is currently four feet from full, and is expected to draft heavily across the month of August, she explained; there is significant unhappiness in Canada about that situation.

There is one other component of this decision, and that is the resident fish in Montana and the anadromous fish in the Columbia, Palensky said. Bruce Suzumoto made a presentation at last week's Council meeting on the anticipated impacts of the reduced Montana draft on fish, specifically Upper Columbia and Snake River fall chinook. Bruce told the Council that the

impact of this operation on the Snake River fall chinook is expected to be small, said Palensky. He noted that Bob Heinith had provided copies of a letter from CRITFC to Bonneville administrator Steve Wright detailing CRITFC's analysis of the impacts of this operation on Snake River fall chinook and other species, which differs in several significant respects to the Council analysis.

In response to a question from Jim Athearn, Litchfield said that, with respect to the monitoring and evaluation aspect of the operation, Montana would simply like to get the process underway, and begin implementing the Council recommendations immediately. We will be monitoring physical and biological parameters throughout the summer, he said; next year, we would hope to design a more comprehensive suite of evaluations to look at the effects of this operation on survival in the lower river, as well as the impacts of the operation on resident fish in Montana. The idea was, let's get going, and at least begin to measure the effects of the reduced draft on the physical environment, Litchfield said. And how would you propose funding some of the additional evaluations Montana is proposing? Athearn asked. We haven't fully fleshed that out, Litchfield admitted; we feel that is a topic that will require some additional discussion, particularly for the more intensive physical and biological tests that would need to be put in place next year.

Palensky provided an opportunity for Judi Danielson and John Hines of the Council to comment on this issue. Danielson said the Council has accepted the mainstem amendments' findings on the Montana operation. Hines added that the mainstem amendments, on which the Montana SOR is based, were a unanimous recommendation by the Council, which agreed that this is a proper approach to testing some significant issues facing the region. We also agreed that we need to take a testing approach to this issue, he said; the science is not yet crystal-clear on the other side. Montana has put forward an incremental approach in the SOR, which proposes testing what can be tested this year, with more intensive evaluations to be conducted in 2004.

Silverberg noted that there are a number of jurisdictional complexities associated with this issue, including ESA responsibilities, Council authorities and recommendations, and the various lawsuits ongoing in the region. Howard Schaller said that, in his opinion, the 2003 experiment, as proposed by Montana, will only muddy the waters, because it will test only one side of the equation; to be valid and robust, he said, any test would need to include both a reduction in flow and an increase in flow from the Montana reservoirs. Rob Lothrop noted that he has yet to see a study design for the 2003 Montana test. Litchfield replied that the evaluation of the 2003 operation would be based on the already-planned and ongoing PIT-tag evaluations in the lower river.

Is the Council planning to support the proposed summer spill study in the Snake River in 2005? Lothrop asked. Bruce Suzumoto replied that the Council started with the 2000 BiOp as the base program; they did not specifically detail which actions in that BiOp should be highlighted or completed. If that test is called for in the BiOp, then it will be considered by the Council, Suzumoto said.

In response to a comment from Litchfield, Schaller said Steve Smith has published a

report, and made a presentation to the Council, that shows a strong correlation between flow and survival in the lower river – that correlation is over 90%, Schaller said. You made the point that there is little or no information on the flow/survival relationship, Schaller said; my point is simply that there is information on the flow/survival relationship in the lower river. Litchfield replied that the fish used in that study were migrating in the June-July period, which is outside the period covered in SOR 2003 MT-1. Wagner replied that, at the July 16 TMT meeting, there was some confusion about the time-period in which the test fish were migrating.

With respect to the regional monitoring plan to be conducted in support of the Montana proposal, Brian Marotz commented that maintaining flows of 18 Kcfs from Libby through the end of August, then suddenly dropping flows precipitously, doesn't require much monitoring, because all of the biota above the cutoff zone die. Our goal, with this SOR, is to spread the available water evenly from July through September, he said. Most of the riffles in the Kootenai River are wetted at about 9 Kcfs, he said; when you dewater productive shoreline because you drop down to 6 Kcfs in September, you're throwing away some of the most productive habitat in the river. There are also negative impacts on the reservoir environment from the 20-foot draft, he said. Our goal is to see flat flows in the river during the most productive period, Marotz said. Steve Pettit observed that it is not necessarily true to say that all biota above the flow cutoff line would be killed if Kootenai River flows fall; much depends on what kind of a rampdown rate you're talking about, he said.

My main point is that the Montana SOR makes it sound as though the benefits of their proposed operation are clear and definite, while the benefits of the BiOp operation are unclear, said Schaller – there is by no means regional agreement that that is the case.

In response to a question from Heinith, Merotz said a slow and gradual rampdown from the 18 Kcfs Libby outflow called for in the BiOp to 9 Kcfs by September 30 would be a viable alternative to the flat 10 Kcfs flow called for in the Montana SOR. However, if the average Libby outflow between now and September 30 is 14 Kcfs, we will have drafted Libby 20 feet by that time, Litchfield said.

How does Montana feel about a flat 14 Kcfs outflow from Libby between now and September, even if that results in a 20-foot draft at Libby? Litchfield asked. That could be an acceptable compromise, Merotz replied.

Although I understand the need for more data, said Jim Yost, Idaho strongly supports the Montana SOR. I, too, have some uncertainty about the impacts of this operation on conditions in the lower river, Yost said; my gut tells me those impacts would be minimal. I would like to do something to accommodate Montana this year, he said, and it sounds as though you're moving in that direction.

Silverberg offered an opportunity for public comment, beginning with Liz Hamilton. Hamilton said her organization supports maintaining the level of support called for in the BiOp. The Northwest fishing industry has lost thousands of jobs in recent years, she said; we are very supportive of whatever is best for salmon.

Mike Rooney said his organization, the Kootenai Valley Trout Club, appreciates what salmon do for the economy, however, if the Montana SOR is followed, it will have tremendous economic benefits for Northeastern Montana. He noted that sudden changes in outflow from Libby have a very detrimental effect on the local population; the goal of this proposal is to improve the native fishery, and provide the biggest bang for the buck. We support the Montana SOR, Rooney said.

So where are we, at this point? Silverberg asked. After a brief caucus break, Palensky asked the IT members to state their positions on the Montana SOR. Idaho supports it, said Silverberg, how about Oregon? Ron Boyce said Oregon's position has not changed; we expect the BiOp flow and spill measures to be implemented this year, particularly given the very poor flow conditions in the Lower Columbia right now, he said. However, we would like to continue to discuss any operational alternatives that will reduce the impact of that operation on resident fish and fisheries in Montana. Bill Tweit echoed Boyce's comments, noting that Washington, too, is interested in exploring ways to meet Montana's needs. This is a tough year, he said – it's a marginal water year, and it's getting worse. We believe the Montana proposal doesn't constitute an appropriate study with respect to the guidelines laid out in the Council's mainstem amendments – it isn't a serious evaluation. The downstream portion of the SOR will result in a detrimental impact on both listed and non-listed species, he said; at this time, we don't see any reason to deviate from the BiOp operation in 2003.

Obviously Montana supports the SOR, said Silverberg; what about the tribes? CRITFC does not support deviating from the Biological Opinion operation of Libby and Hungry Horse in 2003, Heinith replied; we look at the BiOp operation as the minimum flow and spill volumes to be provided, and would like to see the federal operators do more for fish. We have sympathy with Montana's needs, he said, and encourage the federal operators to think creatively about ways to provide Montana some relief. However, given the fact that the BiOp summer flow targets will not be met in 2003, we cannot support the Montana SOR.

Schaller said the Fish and Wildlife Service, too, sees no compelling reason to deviate from the Biological Opinion operation. However, we would be willing to explore alternatives that would provide some relief to Montana, as long as they provide the same volume of water we would see under the BiOp operation, Schaller said.

With respect to NOAA Fisheries' position, Palensky said Bob Lohn has spoken to a number of parties in Montana, and he, too, would like to provide as much relief as possible to Montana. This is a tough issue for the fish managers, he said, because it pits one part of the resource against another. Specifically, with respect to the SOR, NOAA Fisheries is not prepared to support its implementation in 2003, for several reasons, Palensky said: first, because the reduction in flow and spill would have some negative impact on listed species. Judge Redden has told us to implement the BiOp between now and next May, Palensky said; while there is some flexibility in the BiOp, we're not willing to exercise all of that flexibility at this time, given the current flow and temperature situation in the Lower Columbia.

Palensky reiterated that the Council's 2003 mainstem amendments specify that an

“appropriate study” accompany the Montana experiment. CBFWA is planning to look at the types of studies needed to evaluate the spill program, Palensky said; we can then expedite the design of those studies with the researchers. NOAA Fisheries will be joining with CBFWA, Bonneville and the Corps to develop the management questions to be answered by those studies, Palensky said; we want to get that going as soon as possible, recognizing that the Council’s intent is to initiate spill studies as soon as possible. Once we know the impacts of the change in Libby and Hungry Horse operations, he said, we can debate those results. We would offer to Montana that they take the lead in moving forward with the development of these study efforts, Palensky said. We would also be willing to have the first meeting of that group in Montana.

The next question is, have we explored all of the available alternatives to offer relief to the Montana reservoirs? Palensky said. He suggested that the IT ask TMT to explore the ideas that were discussed immediately prior to the caucus break – for example, a 20-foot draft with either a flat 14 Kcfs rate of discharge or a more gradual rampdown rate, or potentially, the acquisition of water from other sources to offset some of the planned Libby and Hungry Horse draft. Henriksen said the IT can put the ball back in the TMT’s court if they so desire, but it would likely be a fruitless exercise – the TMT discusses this issue every year, and there is simply no water available from other sources, that she knows about.

Where does BPA stand on the SOR? Silverberg asked. If there had been earlier agreement on the SOR, we might have been able to support it in its entirety, Cooper replied. We appreciate Montana’s needs, as well as their willingness to put the SOR together in such a way as to be revenue-neutral to Bonneville. However, at this point, we have significant concerns about any changes in reservoir operations that would impact the rate calculation we’re currently going through, Cooper said. With respect to the spill piece of the SOR, we’re mindful of the current status of the BiOp litigation; there would need to be broad regional support for the SOR before the changes called for could be made. That said, Bonneville would be willing to explore changes to summer spill on a couple of fronts, she said: exploring cost-effective alternatives to spill operations should continue, and we also believe that, given what appears to be an earlier run timing this year, there may be an opportunity for early cessation of lower river spill this year.

What about the Corps? Silverberg asked. It’s encouraging to hear the willingness on everyone’s part to explore alternatives that would lessen the impact on Montana, Athearn replied; however, it is difficult to implement the kinds of changes Montana is proposing in such a short time-frame. We have a new general, said Athearn; he is very interested in exploring what the region has to say on that issue. However, given the current BiOp litigation and current flow and temperature conditions in the lower river, we support the implementation of the Biological Opinion operation. Lori Postlethwait said Reclamation agrees with the Corps position, adding that there is very limited opportunity to change the operation at Hungry Horse in 2003.

Litchfield thanked the group for their sympathy to Montana’s needs; he said he would like to explore the possibility, raised by Paul Wagner, of going to a 14 Kcfs flat flow from Libby for the remainder of the summer. That said, it is obvious that we still, as a region, fail to find a way to balance the needs of resident and anadromous fish, Litchfield said. Knowing that this would be the likely outcome of today’s meeting, said Litchfield, the Governor of Montana will

be faxing out a letter to the other three governors and the heads of the action agencies this afternoon, requesting a meeting with the Regional Executives as soon as possible, before all of the water is gone and it's too late to do anything in 2003.

Litchfield added that he is willing to sit down with other IT/TMT participants to try to craft an alternative operation that will better meet Montana's needs before the Regional Executives convene. In response to a question from Bettin, Litchfield said this alternative operation would likely include a 20-foot draft of Libby, possibly spread over August and September and including either a flat outflow from Libby or a more protracted and gradual rampdown. After a brief discussion, there was general agreement that the question of whether such an operation should be revenue- or flow-neutral is a matter for the Regional Executives to decide.

Athearn said that, in his opinion, it is the IT's responsibility to craft the issue to be elevated to the Regional Executives. However, first we'll need some additional information from TMT and BPA, Schaller observed.

After a few minutes of additional discussion, Cooper reiterated Bonneville's interest in exploring changes to the planned Biological Opinion summer spill operation in the lower river. Is there anything more the IT can do today? Silverberg asked. The question remains, how should we vet this issue for the Regional Executives? Athearn asked. Wagner reiterated the suggestion that TMT be asked to evaluate possible alternative operations at Libby. Ultimately, it was agreed to characterize the outcome of today's discussion by saying that the IT could not reach consensus on whether or not to implement the Montana SOR; Litchfield said that this question will now be elevated to the Regional Executives: shall the Montana SOR be implemented in 2003, or are there other alternatives that should be considered?

With that, the meeting was adjourned. Meeting summary prepared by Jeff Kuechle.